

**Introduced by Senator Pavley**

**(Coauthors: Senators Correa, De León, and Leno)**

(Coauthors: Assembly Members Alejo, Ammiano, Blumenfield,  
Huffman, Ma, Monning, and Williams)

February 23, 2012

Senate Joint Resolution No. 18—Relative to persons with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SJR 18, as introduced, Pavley. Individuals with disabilities: tax exempt accounts.

This measure would urge the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011.

Fiscal committee: no.

- 1 WHEREAS, Many families are searching for a way to plan for
- 2 the future of a child with developmental disabilities, which are
- 3 costly to society and to families; and
- 4 WHEREAS, The Achieving a Better Life Experience Act of
- 5 2011 (ABLE Act), proposed in H.R. 3423 and S. 1872 and
- 6 currently debated by Congress, would create disability savings
- 7 accounts for individuals with developmental or other disabilities
- 8 and their families, as a way to save for future needs with funds
- 9 that could accrue interest tax free; and
- 10 WHEREAS, The ABLE Act would give individuals with
- 11 developmental or other disabilities and their families an option for
- 12 saving for their future financial needs in a way that supports their
- 13 unique situation and makes it more feasible to live full and
- 14 productive lives in their communities; and

1 WHEREAS, While many families are currently able to save for  
2 the educational needs of children through “529” college tuition  
3 plans, these plans do not fit the needs of children with  
4 developmental or other disabilities; and

5 WHEREAS, Many families recognize that loved ones with  
6 developmental or other disabilities may live for many decades  
7 beyond the ability of the parents or other family members to  
8 provide financial assistance and support; and

9 WHEREAS, Many families also want to ensure the financial  
10 security of family members who have the level of disability  
11 required for Medicaid eligibility, but for now, are managing to  
12 function without the use of those benefits and state resources; and

13 WHEREAS, The ABLE Act would create a savings fund for  
14 those with developmental or other disabilities that could be drawn  
15 upon for a variety of essential expenses, including medical and  
16 dental care, education and employment training and support,  
17 assistive technology, housing and transportation, personal support  
18 services, and other expenses for life necessities; and

19 WHEREAS, Savings accounts opened under the ABLE Act  
20 would provide substantial flexibility to meet the specific needs of  
21 the individual, with a broad array of allowable expenses and no  
22 age limitations so that these funds can be used whenever they are  
23 needed; and

24 WHEREAS, The flexibility in expenses would also allow  
25 families to save with confidence even though they cannot always  
26 predict how independent their child will become; now, therefore,  
27 be it

28 *Resolved by the Senate and the Assembly of the State of*  
29 *California, jointly*, That the Legislature urges the President and  
30 the Congress of the United States to immediately enact the  
31 Achieving a Better Life Experience Act of 2011 (ABLE Act); and  
32 be it further

33 *Resolved*, That the Secretary of the Senate transmit copies of  
34 this resolution to the President and Vice President of the United  
35 States, to the President pro Tempore of the United States Senate,  
36 to the Speaker of the House of Representatives, to each Senator  
37 and Representative from California in the Congress of the United  
38 States, and to the author for appropriate distribution.

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